

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
WESTERN DIVISION**

ALBERTO VILLALPANDO,

Petitioner,

vs.

UNITED STATES OF AMERICA,

Respondent.

No. C 10-4051-MWB
(Crim. No. CR 06-4027-MWB)

**MEMORANDUM OPINION AND
ORDER REGARDING
PETITIONER'S REMAINING
CLAIM FOR § 2255 RELIEF AND
REQUEST FOR CERTIFICATE OF
APPEALABILITY**

For the reasons stated on the record at the conclusion of the evidentiary hearing on October 30, 2012, on petitioner Villalpando's remaining § 2255 claim of ineffective assistance of trial counsel for failing to advise him to plead guilty and to procure a plea agreement, that claim is **denied**.

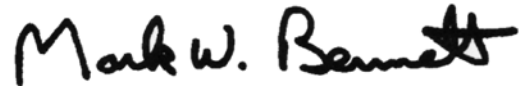
I conclude, further, that petitioner Villalpando has not made a substantial showing of the denial of a constitutional right on any of his § 2255 claims. *See* 28 U.S.C. § 2253(c)(2). Specifically, there is no showing that reasonable jurists would find my assessment of Villalpando's claims debatable or wrong, *Miller-El v. Cockrell*, 537 U.S. 322, 338 (2003); *Cox v. Norris*, 133 F.3d 565, 569 (8th Cir. 1997), *cert. denied*, 525 U.S. 834 (1998), or that any court would resolve those issues differently. *Cox*, 133 F.3d at 569. Therefore, Villalpando does not make the requisite showing to satisfy § 2253(c) on

his claims for relief, and no certificate of appealability will issue on any claim in this case.

See 28 U.S.C. § 2253(c)(2); Fed. R. App. P. 22(b).

IT IS SO ORDERED.

DATED this 30th day of October, 2012.

A handwritten signature in black ink that reads "Mark W. Bennett". The signature is written in a cursive, slightly stylized font. The "M" is large and loops around the "a". The "W" is formed with two distinct peaks. The "Bennett" part is also cursive, with the "t" having a long, sweeping tail that extends to the right.

MARK W. BENNETT
U. S. DISTRICT COURT JUDGE
NORTHERN DISTRICT OF IOWA